



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUN 27 2012

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7009 3410 0000 2595 7826

ATK Aerospace Systems
Attn: Olga B. Siggins
Senior Counsel
Propulsion Systems
P.O. Box 98; M/S D2HR
Magna, UT 84044-0098

Re: Request For Information Pursuant to Section 104(e) of Highway 89 Storage Units, Site #08-SK

Dear Ms. Siggins:

The United States Environmental Protection Agency (EPA) is investigating the release or threat of release of hazardous substances, pollutants or contaminants at the Highway 89 Storage Units Site (the Site) generally located in Box Elder and Weber Counties, Utah, at 1620 9th Street, Ogden, Utah, 84401; Double D Storage, 2100 South Hwy 89, Perry, Utah, 84302; and EZ Access Storage, 8823 Hwy 89, Willard, Utah, 84340. The EPA's investigation requires inquiry into the identification, nature and quantity of materials that have been or were generated, treated, stored or disposed of at, or transported to, the Site; and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site; and information relating to the ability of individuals and companies who may pay for cleanup or other response activities at the Site.

Pursuant to the authority of Section 104 of the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Please respond to the Information Request within 30 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to Section 104(e) of CERCLA and the imposition of penalties of up to \$37,500 per day of non-compliance.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to the Information Request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by ATK Aerospace Systems to respond to the Information Request. The notarized certificate must state that the response submitted to the EPA is complete and

*8ENF-RC
6/20/12
Joe Zeman
8ENF-RC
6/20/12
R. Smith
8ENF-L
6/20/12
mm
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w/ comments
6/21/12*

contains all documents and information responsive to the Information Request that are known to ATK Aerospace Systems following a complete and thorough review of all information and sources available. A suggested format for the notarized certificate is included with the Information Request as Enclosure 2.

The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency
Region 8
Attn: Judith Binegar, (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any legal or technical questions relating to the Information Request, you may consult with the EPA prior to the deadline specified above. Please direct legal questions to Richard Sisk, Enforcement Attorney, at (303) 312-6638, and technical questions to Judith Binegar, Enforcement Specialist, at (303) 312-6606.

Thank you for your cooperation in this matter.

Sincerely,

Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Andrea Madigan
Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Sara J. Peterson, Attorney
Parkway Law
1925 Innsbruck Parkway
Minneapolis, MN 55421



Printed on Recycled Paper

Bcc: Richard Sisk, 8ENF-L
Tien Nguyen, 8EPR-SA
Judith Binegar, 8ENF-RC
Dianna Lim, 8EPR-PS
Site File

ENCLOSURE 1

INSTRUCTIONS FOR THE INFORMATION REQUEST HIGHWAY 89 STORAGE UNITS, BOX ELDER AND WEBER COUNTIES, UTAH SITE ID: 08-SK

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. Section 2.203(b). To prove your claim for confidentiality, you must provide the following information for each document for which confidentiality is claimed:
 - a. the portions of the information claimed to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by the EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would be likely to result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents

should be clearly identified.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that it is not, and has not been, obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

6. Information which you submit in response to this Information Request may be disclosed to authorized representatives of the United States, pursuant to 40 C.F.R. Section 2.310(h), even if you assert a confidentiality claim. Please be advised that the EPA may disclose all responses to this Information Request to a private enforcement support services contractor employed by the EPA for the purpose of organizing and analyzing the response to this Information Request. If you are submitting information for which you claim to be entitled to treatment as confidential business information, you may comment on this possible disclosure within fourteen days of receiving this Information Request.

DEFINITIONS AND INFORMATION
HIGHWAY 89 STORAGE UNITS, BOX ELDER AND WEBER COUNTIES, UTAH
SITE ID: 08-SK

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" or "Respondent" shall mean the addressee of this Request and includes the addressee's officers, managers, employees, contractors, trustees, partners, subsidiaries, affiliates, predecessors, successors, assigns, agents and companies which Respondent may have controlled by stock ownership or joint venture companies.
2. The term "arrangement" means every separate contract or other agreement between two or more persons.
3. The term "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act, and can be found at Volume 42, United States Code (U.S.C.), Section 9601, et seq.
4. The terms "document" and "documents" shall mean any written, recorded or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.
5. The term "facility" shall have the same definition as in Section 101(9) of CERCLA.
6. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
7. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
11. The term "materials" shall mean all substances that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Property, including but not limited to all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined above, and mercury.

12. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
13. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants or contaminants with any other substances, including petroleum products.
14. The term "Property" means 1620 9th Street, Ogden, Utah, 84401; Double D Storage, 2100 South Hwy 89, Perry, Utah 84302; and EZ Access Storage, 8823 Hwy 89, Willard, Utah, 84340, where a cleanup was performed by the EPA's Emergency Response unit from October 9, 2010 to November 30, 2010.
15. The term "RCRA" means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at volume 42, United States Code (U.S.C.) Section 6901, et seq.
16. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
17. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, et seq.; RCRA, 42 U.S.C. § 6901, et seq.; or their regulations found at 40 C.F.R. Part 300 and 40 C.F.R. Part 260, et seq. respectively, in which case the statutory or regulatory definitions shall apply.

QUESTIONS
HIGHWAY 89 STORAGE UNITS, BOX ELDER AND WEBER COUNTIES, UTAH
SITE ID: 08-SK

1. Identify the person(s) answering these Questions by providing their name, address, fax and telephone number.
2. Identify the person(s) whom you wish to receive all further communications from the EPA related to this Information Request or Site.
3. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
4. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contains information responsive to the Question and provide accurate copies of all such documents.
5. What was Respondent's association with John Rahkonen?
6. What were the dates of Mr. Rahkonen's employment with Respondent?
7. What was Mr. Rahkonen's job title while employed with Respondent?
8. What were Mr. Rahkonen's job duties while employed with Respondent?
9. Did Mr. Rahkonen have physical access to materials used at Respondent's facilities?
10. Was Mr. Rahkonen allowed to purchase materials from Respondent?
11. How did Mr. Rahkonen come to be in possession of the materials found at the Site that had Respondent's labels or identification?
12. Was management at Respondent aware that Mr. Rahkonen had in his possession materials from Respondent? If yes, please identify those managers.
13. If Mr. Rahkonen purchased materials from Respondent, please provide dates of purchase, amounts purchased, name of material purchased and provide all records of sales.
14. Was Mr. Rahkonen allowed to take materials from Respondent for his own use or sale without purchase?
15. Did or does Respondent allow other employees to take materials from Respondent for their own personal use?
16. Did or does Respondent sell materials, like the materials sold to Mr. Rahkonen, to the general public?

17. Was the material Mr. Rahkonen received from Respondent by purchase, or otherwise, considered surplus, excess or waste material?
18. If not sold or given to Mr. Rahkonen or other employees, what did Respondent do with excess or surplus materials?
19. During the time that Mr. Rahkonen worked for Respondent what were Respondent's waste handling practices?
20. Did Respondent ever arrange for disposal of any materials with Mr. Rahkonen?
21. If a material is determined by Respondent to be excess or waste, what does that mean and what did or what does Respondent do with those materials?
22. Is it Respondent's usual practice to allow employees to purchase materials?
23. If so, please provide the names of individuals who purchased materials similar to what was sold to Mr. Rahkonen.
24. Do you have a Records Retention Schedule at ATK? If so, please provide the schedule to the EPA.
25. What security measures, if any, are in place at Respondent to prevent employees taking chemicals, fuels, propellants and other materials from the workplace?

ENCLOSURE 2

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by ATK Aerospace Systems to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Highway 89 Storage Units Site located in Box Elder and Weber Counties, Utah.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

(Name)

(Title)

(SEAL)

Subscribed and sworn to me
this _____ day of _____, 2012.

Notary Public

My Commission Expires _____
My address is _____
